



DECLARATION AND POWER OF ATTORNEY  
FOR A CONTINUING PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled ARTICULATED ANTERIOR EXPANDABLE SPINAL FUSION CAGE SYSTEM, as described and claimed in the specification for the continuation application filed January 30, 2004.

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.

I acknowledge the duty to disclose to the Patent and Trademark Office all information which is known to me to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

I hereby claim the benefit under Title 35, United States Code, Sec. 120, of any United States applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States applications in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, if any, I acknowledge the

duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56, which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:


<u>Appl. Ser. No.</u>	<u>Filing Date</u>	<u>Status</u>
10/292,723	11/12/2002	Patent No. 6,685,742

I hereby appoint Marcia J. Rodgers, Reg. No. 33,765, Malcolm A. Litman, Reg. No. 19,579; Richard P. Stitt, Reg. No. 35,693; all members of the bar of the State of Missouri, and Dennis A. Crawford, Reg. No. 28,940, whose postal address is Shughart Thomson & Kilroy, P.C., Twelve Wyandotte Plaza, 120 West 12th Street, Kansas City, Missouri 64105, telephone (816) 421-3355 as my attorneys, with full power of substitution, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith in my behalf.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

jeopardize the validity of the application or any patent issued thereon.

Date: 2-17-04

  
Dr. Roger P. Jackson

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.	10/769,230
Applicant	Roger P. Jackson.
Filing Date	January 30, 2004
Art Unit	
Title	ARTICULATED EXPANDABLE SPINAL FUSION CAGE SYSTEM
Examiner	
Docket No.	SPI004/108017
Customer No.	24030

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 16, 2004.

*Marcia J. Rodgers*  
Marcia J. Rodgers

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT BY ATTORNEY THAT APPLICATION FILED IN PTO  
IS THE ONE INVENTORS EXECUTED BY SIGNING DECLARATION**

I, Marcia J. Rodgers, Reg. No. 33,765, of Shughart, Thomson & Kilroy, P.C.,  
Twelve Wyandotte Plaza, 120 West 12th Street, Kansas City, Missouri 64105,  
telephone (816) 421-3355 state I am the attorney for this application and the application  
identified above is the application which the inventor executed by signing the  
Declaration which is being submitted herewith.

*Marcia J. Rodgers*  
Marcia J. Rodgers